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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,166	06/28/2003	Rajendra Kashinath Singh	GEPL.P-072	1165
43247	7590	07/26/2005	EXAMINER	
OPPEDAHL & LARSON LLP - LEXAN PO BOX 5068 DILLON, CO 80435			YOON, TAE H	
			ART UNIT	PAPER NUMBER
			1714	
DATE MAILED: 07/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,166

Applicant(s)

SINGH ET AL

Examiner

Tae H. Yoon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The specification is objected since Tables are missing. Examples 1 and 2 ([0027] and [0029]) recite "Table" for the results. A correction of typo, perfluoroalkane, in claim 1 is needed.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 20-26 of U.S. Patent No. 6,353,046 in view of US 5,606,007 and 6,136,945. Although the conflicting claims are not identical, they are not patentably distinct from each other because the flame retardant polycarbonate containing the instant perfluoroalkane sulfonate and cyclic siloxane of said patent No. 6,353,046 inherently would meet the recited V0 UL flammability rating and % haze since the mandatory components are same and since the instantly recited acidic quencher which neutralizes the basic catalyst in producing a polycarbonate is inherent in said patent No. 6,353,046 as evidenced by US 5,606,007 (example 1) recited at col. 2, line 14 of said patent No. 6,353,046 and since the use of

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acidic quenchers is well known practice as evidenced by said patent No. 6,136,945 (col. 3, lines 11-21 and table 1).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rosenquist et al (US 6,353,046) in view of Sakashita et al (US 5,606,007) and Mestanza (US 6,136,945).

Rosenquist et al teach the flame retardant polycarbonate containing the instant perfluoroalkane sulfonate and cyclic siloxane in abstract, examples and claims 1-4 and 20-26. Example 2 (tables 2A and 2B) show the instant UL 94 V0 and 5 haze. A thickness of 75 mil is 1.9 mm. Said example would meet the UL 94 V0 at a thickness of 1.6 mm inherently. With respect to the acidic quencher, the use of said acidic quencher in producing polycarbonates is a routine practice in the art as taught by Sakashita et al (example 1) and Mestanza (table 1) since it improves % haze and yellowness index.

It would have been obvious to one skilled in the art at the time of invention to utilize the acid quenched polycarbonates of Sakashita et al and Mestanza in Rosenquist et al since Rosenquist et al teach the polycarbonates of Sakashita et al and since the use of said acidic quencher in producing polycarbonates is a routine practice in the art

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as taught by Sakashita et al (example 1) and Mestanza (table 1) since it improves % haze and yellowness index.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mark et al (US 4,130,530) in view of Rosenquist et al (US 6,353,046) and Nouvertne (US 3,775,367), and further in view of Sakashita et al (US 5,606,007) and Mestanza (US 6,136,945).

Mark et al teach polycarbonate composition plasticized with the instant cyclic siloxane at col. 1, line 44 to col. 2, line 3 and in examples. The instant invention further recites employing a flame retardant component, a potassium perfluoroalkane sulfonate, and the use of an acidic quencher over Mark et al. However, the use of said potassium perfluoroalkane sulfonate (as a flame retardant) in polycarbonates is well known practice in the art as taught by Rosenquist et al (col. 4, lines 9-10 and examples) and Nouvertne (col. 2, lines 26-45 and examples). Also, the use of said acidic quencher in producing polycarbonates is a routine practice in the art as taught by Sakashita et al (example 1) and Mestanza (table 1) since it improves % haze and yellowness index.

It would have been obvious to one skilled in the art at the time of invention to utilize the art well known flame retardant such as potassium perfluorobutane sulfonate for polycarbonates of Rosenquist et al and Nouvertne and the acid quenched polycarbonates of Sakashita et al and Mestanza in Mark et al since Mark et al teach employing other materials at col. 4, lines 9-13 and since polycarbonates are inherently flammable as taught by Rosenquist et al (col. 1, lines 9-10) and since the use of said


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acidic quencher in producing polycarbonates is a routine practice in the art as taught by Sakashita et al (example 1) and Mestanza (table 1) since it improves % haze and yellowness index.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tae H Yoon
Primary Examiner
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THY/July 21, 2005